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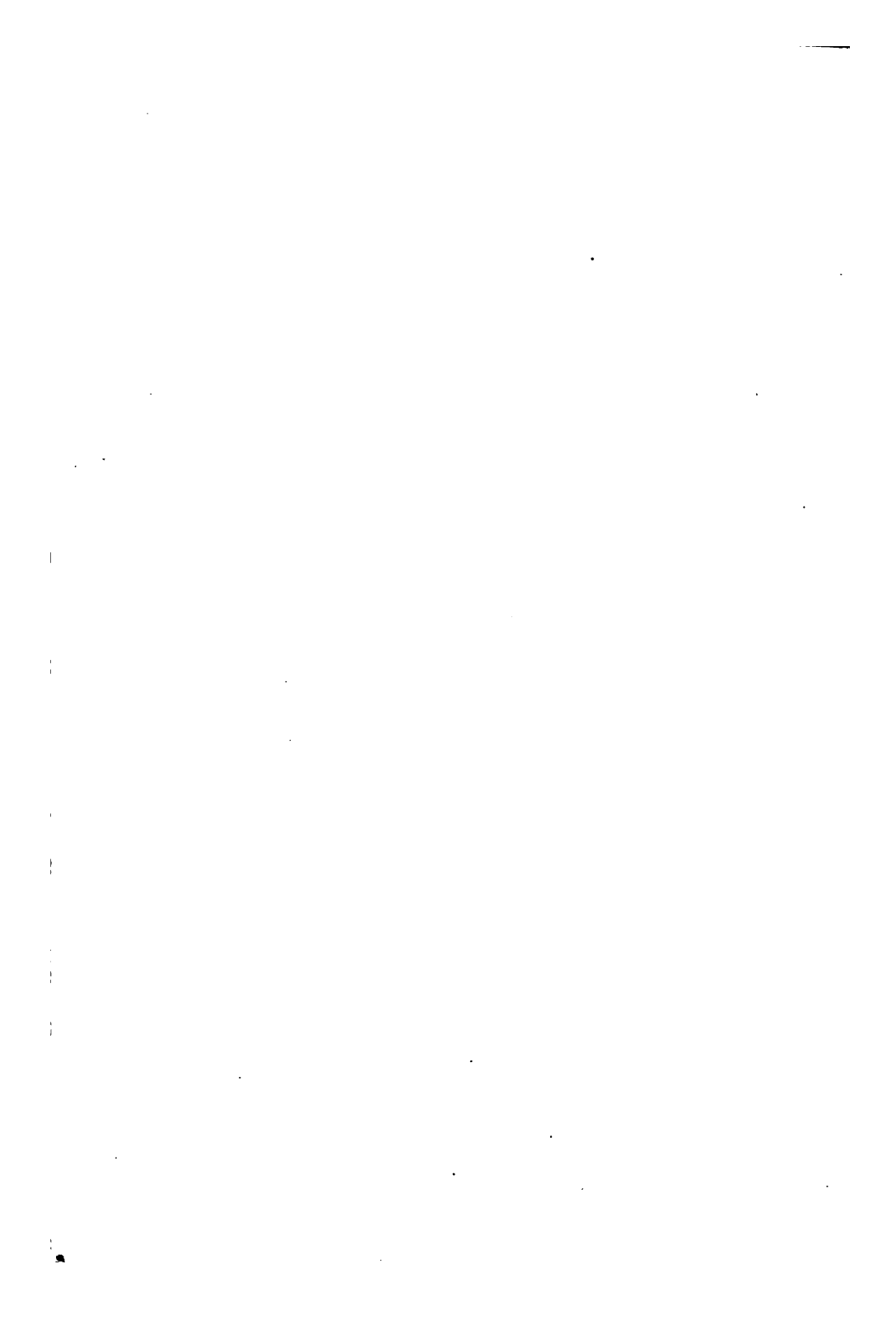
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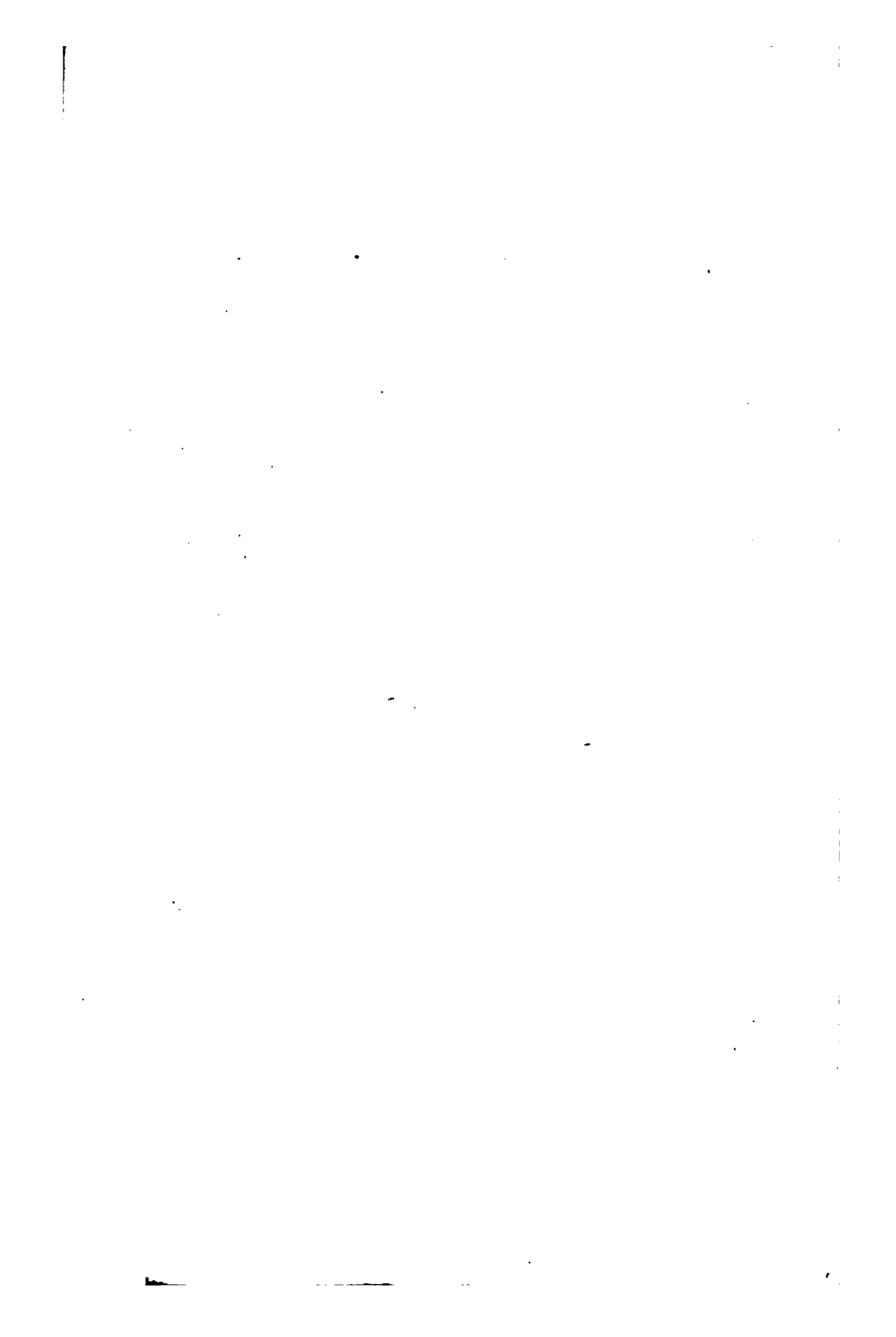
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# LETTER

TO

HIS ROYAL HIGHNESS

THE PRINCE CONSORT,

AS

LORD WARDEN

OF

THE DUCHY OF CORNWALL,



WITH REFERENCE TO

THE DETERMINATION OF THE RECENT SUIT OF

HER MAJESTY'S ATTORNEY GENERAL,

v.

LORD VIVIAN,

AND HIS ROYAL HIGHNESS, THE PRINCE OF WALES

IN RESPECT OF HIS DUCHY OF CORNWALL;

BY

J. W. PYCROFT, F.S.A., M.R.A.S.,

*Socius Societatis Regalis Antiq. Hafniae.*

*Gough Aethel-  
Cornwall*

*80 27.*

*1857*



*The Lawn, South Lambeth,*

LONDON, 21st September, 1857.

MY LORD WARDEN,

In the year 1847 I had occasion to investigate a question of Escheat of considerable value, as to whether such right appertained to Her Majesty the Queen, as of the Crown of England, or to his Royal Highness the Prince of Wales, as of his Duchy of Cornwall; but on calling at the Offices of the Duchy, could not obtain any information whatever from Mr. Gardiner, the Secretary, or any of the other Officers there, but was recommended to ascertain the fact for myself. After much careful research, which extended over a period of three years, I not only succeeded in ascertaining to whom the right in question belonged, but also the nature and extent of all other ancient privileges, and Jura Regalia appertaining to such Duchy, having collected all the ancient Charters, Documentary Evidence, and legal decisions, affecting such rights; at no inconsiderable expence, from the earliest periods of history.

It having become known that such was the case, in the year 1853, I was consulted by Mr. Long-



bourne, of the firm of Ranken and Co., Solicitors, in Gray's Inn, on the subject of a Claim to Foreshore, set up by the Officers of Woods and Forests, within the Manor of Newham, in the Duchy of Cornwall, belonging to the Lord Vivian; and I advised, on an interview with that gentleman, that on general principles, His Royal Highness had all Royal Rights within the Duchy;\* whether Foreshore was one of such Rights or not, the Crown could not set up any claim, *à priori*, as against the Duke even to such a right, not having any Title whatever to Wreck within the Duchy, much less to Foreshore, which, on general principles, under all the old law cases was esteemed as parcel of the Manor of the subject. Messrs. Ranken and Co. accordingly, at my instance, wrote to Mr. Commissioner Gore, asserting the Rights of His Royal Highness, in opposition to those of the Crown.

I subsequently prepared a very voluminous report, based on all the materials which I had collected affecting such right as also the Prince's title to Mines Royal, and other Jura Regalia within the Duchy, and which report was subsequently submitted to

\* *Vid* Correspondence as set forth in the Information in Chancery, p. 38—"Arena Cornubiæ," 4to, London, 1856.

Mr. Christie, the eminent Chamber Counsel, who was then advising on behalf of his Royal Highness; this gentleman having subsequently informed me, that the assistance of a learned antiquary was immediately required by the officers of the Duchy, in order to ascertain and maintain the rights of his Royal Highness, at his instance, I subsequently saw Mr. Bateman, as also Mr. Gardiner, and at once personally directed their attention to the various entries contained in the Rolls of Parliament, and other legal authorities, with which they both appeared to be unacquainted, but as I had subsequently to my first interview with Mr. Longbourne, received a special retainer on behalf of Lord Vivian in the suit commenced against himself and the Prince by the Attorney General, I could not personally act otherwise towards the Prince, his co-defendant, than in this friendly character.

In the year 1854, Lord Vivian abandoned the suit in Chancery, and £1000 arising from the Sale to a Railway Company, of a portion of a Timber Yard, forming part of the Foreshore to this Manor of New-ham, was voluntarily paid into Messrs. Coutts & Co.'s Bank, to the credit of Mr. Commissioner Gore, and Colonel Phipps, by the direction of Lord Vivian.

With the concurrence of his Lordship's Solicitors, I privately printed an Abstract of my Report, at my own expence, and copies of my work not only were immediately placed at the disposal of the Officers of the Duchy, but also personally delivered at Windsor Castle, one copy for Her Majesty's Library, the other into your own hands by Mr. Hulbert Glover, the Royal Librarian.

It is due to Lord Vivian to state, that he and his predecessors had enjoyed a right of Wreck in his Manor of Newham, time out of mind, and as his Royal Highness the Prince of Wales has no other claim, within the Duchy, to Foreshore besides that arising from a general Right of Wreck, limited by the prescriptive rights of the other Landed Proprietors in Cornwall, this sum of £1,000 (which has recently been handed over to the credit of His Royal Highness on the termination of the suit) ought in strict justice, now that the Right Honorable Sir John Pattesson has decided that the Crown has no right whatever to Foreshore, or Wreck in Cornwall, to be immediately transferred to Lord Vivian; who at my instance not only asserted the claims of His Royal Highness the Prince of Wales, as Duke of Cornwall, but refused to recognize those of the Crown, so soon as

I set before him the nature and character of the Duchy rights; as his Lordship can prescribe for Wreck, as appears by his Title Deeds to the Manor of Newham against the Duchy; also he and his predecessors have been in the possession of and received rent from the Timber Yard in question for upwards of seventy years, and the Duke has no other Title to Foreshore than that based on his general Title to Wreck.

In the Reign of George the Third, a trial at bar in the case of Rowe and Brenton took place, which terminated in favor of the Duchy of Cornwall. Mr. Illingworth, the Antiquary, whose researches (on behalf of His Royal Highness the then Prince of Wales) proved successful in maintaining a right to the Minerals under assessionable Manors within the Duchy, received a sum of 4,000 Guineas or thereabouts for such services.

For the preparation of my Report, and the printing of three editions of my researches, which have been unreservedly placed at the disposition not only of His Royal Highness the Duke of Cornwall's Counsel, but also of his officers. Your Royal Highness, as Lord Warden, and Sir John Pattesson the referee, and the remainder gratuitously distributed, I have not received

any remuneration whatever from Lord Vivian, or the officers of the Duchy, and as the rights which I have been the means of asserting are now secured to the Prince of Wales, are of very considerable value and extent, I trust to receive that consideration at the hands of His Royal Highness as Duke of Cornwall, which such services necessarily would seem to deserve.

In 1853 I was called on by the Corporation of London to Report on the suit between themselves and the Officers of the Woods and Forests, who both had claimed title to the Foreshores on the River Thames; when I found that such Foreshore was the Property of the Lords of the various Manors and other Proprietors deriving Title under them, and I especially set forth the Title of Her Majesty to the Savoy Foreshore, as Duchess of Lancaster, and of His Royal Highness the Prince of Wales as Duke of Cornwall, as of his Manor of Kennington, to the Prince's Mead in such Report,\* this led to the compromise of the suit, and a Bill for the Conservancy of this River having subsequently

\* A Copy of this Report, with the accompanying Papers on Lea Lands, of which fifty copies of each only were privately printed, was delivered into the hands of Mr. Glover's Messenger, for the Royal Library.

been brought into Parliament by the Corporation of London, which did not recognize such rights, and conceiving that, the Corporation were acting dishonestly, I immediately directed the attention of Mr. Danvers of the Duchy of Lancaster Office to such circumstance, and also apprized the Tenants of the Prince's Mead, opposite Somerset House, of the necessity of their Timber Yards being protected against the Clauses in the Conservancy Bill, or they might possibly be seized (as Lord Vivian's Timber Yard had been in Cornwall) by the Corporation of London when invested with all Royal Rights by Act of the Legislature in this River; as I found it impossible to obtain an interview with Mr. Gardiner on the subject; I also petitioned the House of Lords,\* and set forth such Rights in my Petition, but it was not until the Bill had nearly passed through that House before the Officers of the Duchy of Cornwall took any steps in this matter; the Thames Conservancy Act now, however, expressly recognizes the rights of both Duchies on its Banks, to their respective Foreshores, and a Clause enabling the Conservators to try the Title to the Foreshore, by ex officio Information, struck out of the Bill.

\* A Printed Copy of this Petition was also transmitted to the Officers of the Duchy, and also to Mr. Glover for the Royal Library.

Should these services receive consideration at the hands of his Royal Highness, I have it in my power materially to augment the Estates of the Duchy of Cornwall; but finding on a recent interview with Mr. J. R. Gardiner, (which I obtained with difficulty,) that the officers of the Duchy were indisposed to recommend the restoration to Lord Vivian of even the small amount received from the sale of the Timber Yard at Truro, (which had been held, as I have before stated, as of his Manor of Newham, as parcel thereof, precisely in the same mode as held by the Tenants of the Prince's Mead in the Manor of Kennington, on the Banks of the River Thames,) I at once resolved to make this communication direct to your Royal Highness, as Lord Warden, as there are not only these but other circumstances\* of a much graver character in connection with the management of this Duchy, which ought to be fully enquired into, as it is desirable that His Royal Highness the Prince of Wales, should, in his Duchy of Cornwall, be considered as in ancient times, as not only the Protector of his own Interests, but also

\* *Vid* also the recent case before His Honor, Vice-Chancellor Page Wood, of *Innes v. Innes*, with reference to Mr. Gardiner's conduct in other transactions, as reported in the "Times" Newspaper, of 11th June, 1857.

of the rights of all, whether rich or poor, within his Royal Fief, who from whatever causes arising, are unable to protect themselves : and also that justice should be dispensed with an equal and impartial hand by his Officers.

As a Fourth Edition of my labors on the Duchy Rights is in course of preparation, I trust that I shall be afforded an opportunity of gratefully acknowledging the liberality of His Royal Highness, as also of mentioning that an act of impartial justice has been done to Lord Vivian, by direction of the Duke of Cornwall, His Lord Warden and Council,

And have the honor to be,

My LORD WARDEN,

Your most humble and

obedient Servant,

J. W. PYCROFT.

To

His Royal Highness

THE LORD WARDEN

of the Duchy of Cornwall.







